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RETURN RECEIPT REQUESTED

October 07, 2020

Mr. Raymond Gottlieb
Sandler Utilities at Mill Run, LLC
448 Viking Dr Ste 200
Virginia Beach, VA 23452

SUBJECT: **NOTICE OF VIOLATION / NOTICE OF INTENT TO ENFORCE**
Tracking Number: NOV-2020-DV-0449
Collection System Operation and Sanitary Sewer Overflows: September - October 2020
Collection System Permit No. WQCS00290
Eagle Creek Subdivision Collection System
Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints beginning September 29, 2020 indicating that the Eagle Creek collection system was not operating and Sanitary Sewer Overflows (SSOs) were ongoing. Subsequent follow-up and investigation confirmed failure of the collection system and lack of active and functional sewer service to individual households throughout Eagle Creek. The vacuum pumps, which enable the collection system to operate, remained inoperable or partially operable for an extended time period. All of the collection system, substantial parts of the collection system, and/or parts of the collection system have remained off-line for several days. A substantial number of individual household residences have continued without functional sanitary sewer service for several days following the time when vacuum pump operation was fully restored. Such situation is attributed to vacuum system components located at individual residences throughout the development remaining inoperable. As of October 7, 2020, a substantial number of houses and customers remain without functional sewer service. Sewer overflows and spills have been noted at locations throughout the development. Such spills and overflows are attributed to failure to promptly restore sewer service, in addition to initial failure of vacuum pumps. The regional office was not notified by the permittee of the incident.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.



North Carolina Department of Environmental Quality | Division of Water Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252-946-6481

Specific incident cited in the subject report include the following:

Incident Number	Start Date	Duration (Mins)	Location	Cause	Total Vol (Gals)	Total Vol Surface Water (Gals)	DWR Action
2020027369/27/2020 Violation			Complete system failure				OtherNotice of

Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained completely off-line or partially off-line for several days due to vacuum pump failure. After reactivation of pumps, customers have remained without active sewer service for 9 or more days, with ongoing disruptions in sewer service continuing as of October 7, 2020.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers have remained without sewer service for 9 or more days, with service disruptions continuing. System operation has not been restored in a manner that provides operable service connections for customers.

3. IV Monitoring and Reporting Requirements, 2. The permittee shall verbally report to a Division of Water Quality staff member at the Washington Regional Office, at telephone number 252-946-6481 as soon as possible, but in no case more than 24 hours following the occurrence or first knowledge of the occurrence of either of the following: a. Any SSO and/or spill over 1,000 gallons; or b. Any SSO and/or spill, regardless of volume, that reaches surface waters.

Spills and overflows have been referenced throughout the community. Notification was not provided to the regional office reporting spills nor the system performance problems.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to



being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office within 10-business days following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items you may wish to provide, please include a timeline of events, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, and reasons for the prolonged timeframe for restoring vacuum pump operation and household service. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov .

Sincerely,

David May

David May, L.G., Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ
Washington Regional Office

cc: NC Utilities Commission – Public Staff
Albemarle Regional Health Services
Eagle Creek HOA
Laserfiche



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